

Release  
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**SUMMARY OF CASES ACCEPTED  
DURING THE WEEK OF DECEMBER 8, 1997**

[This news release is issued to inform the bar and the public of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#97-185 Gale v. BMW of North America, S065256. (G015414.) Unpublished opinion. Petition for review after the Court of Appeal affirmed the judgment in a civil action. This case presents an issue, concerning the right of a prevailing defendant in an action under the Song-Beverly Consumer Warranty Act to recover costs, which is related to an issue before the court in Murillo v. Fleetwood Enterprises, Inc., S058779. (See #97-46.)

#97-186 Hall v. Kettering, S065413. (B104377.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order in a civil action. This case presents an issue, concerning a defendant's entitlement to attorney fees under contract and statute upon plaintiff's dismissal of a civil action, which is related to an issue before the court in Santisas v. Goodin, S050326. (See #96-13.)

#97-187 People v. Horejs, S064811. (E017926; 57 Cal.App.4th 370.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. This case presents an issue, concerning the standard if any for assessing prejudice from failure to instruct on an element, which is related to the issue before the court in People v. Flood, S059454. (See #97-62.)

(over)

#97-188 In re Rose on Discipline, S062859. (3 State Bar Court 646.) Petition for writ of review of a State Bar Court recommendation of discipline. The court ordered the State Bar to show cause why the court should not issue a writ of review and accord the case plenary consideration notwithstanding its determination no issue raised warrants review under the criteria of rule 954(a), California Rules of Court.

#97-189 Salgado v. County of Los Angeles, S065021. (B085845; 57 Cal.App.4th 574.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the issue whether an award for future non-economic damages from medical malpractice, which has been limited by statute to \$250,000, is a future value sum which may satisfied under a periodic payment schedule by an annuity worth less than that amount. (See Code Civ. Proc., §67.7; Civ. Code, § 3333.2(b).)

#97-190 People v. Youngblood, S064553. (B105115.) Unpublished opinion. Petition for review after the Court of Appeal reversed a judgment of conviction of a criminal offense. This case presents an issue, concerning a defendant's entitlement to instructions on related but non-included crimes, which is related to an issue before the court in People v. Birks, S057191. (See #97-3.)

## **DISPOSITIONS**

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Superior Court (Romero), 13 Cal.4th 497:

#96-32 People v. Peterson, S051311.

#96-88 People v. Lopez, S053297.

#96-26 People v. Casillas, S051201, was dismissed and remanded to the Court of Appeal.

#97-109 Cates Construction, Inc. v. Talbot Partners, S061215. Review was dismissed as to Cates Construction, Inc., only.